

## BULKY DOCUMENTS

(Exceeds 100 pages)

Proceeding/Serial No: 9116/814

Filed: 11-15-05

Title: NexTel Communication Inc. /with Exhibits  
CD Rom

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Motorola Inc.

Part 2 of 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

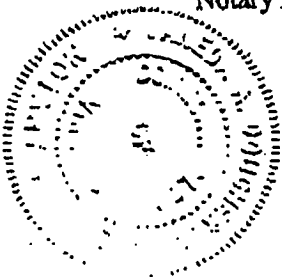
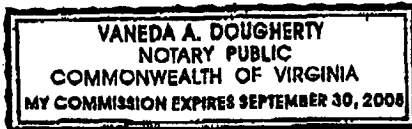
-----X  
NEXTEL COMMUNICATIONS, INC., :  
Opposer :  
v. : App. No. 78/235,618  
MOTOROLA, INC., :  
Applicant :  
-----X

I, Allison O'Reilly, being first duly sworn, on oath say that I am the deponent in the  
aforesaid deposition taken July 26, 2005, that I have read the foregoing transcript of the  
deposition, consisting of pages 1 to 65 inclusive, and affix my signature to same.

Allison O'Reilly  
Allison O'Reilly

Subscribed and sworn to  
Before me this 9 day of  
September, 2005

Vaneda A. Dougherty  
Notary Public



### ERRATA

Deposition of: Allison O'Reilly

I wish to make the following changes for the following reasons:

<u>Page</u>	<u>Line</u>	Change:	Reason:
✓✓ 11	2	Change: eight - seven	Reason: Correction
✓✓ 11	18	Change: Detwiler - Detweiler	Reason: Spelling Error
✓✓ 12	24	Change: Detwiler - Detweiler	Reason: Spelling Error
✓✓ 19	20	Change: Berkenstock - Birkenstock	Reason: Spelling Error
✓✓ 23	16	Change: REM - RIM	Reason: Spelling Error
✓✓ 25	19	Change: REM - RIM	Reason: Spelling Error
✓✓ 25	20	Change: REM - RIM	Reason: Spelling Error
✓✓ 26	10	Change: Delete "prior to me"	Reason: Clarification
✓✓ 29	14	Change: Alert - Button	Reason: Clarification

Page

Line

✓ 30

16

Change: Blaire - Blair

Reason: Spelling Error

✓ 38

1

Change: REM - RIM

Reason: Spelling Error

✓ 38

5

Change: REM - RIM

Reason: Spelling Error

✓ 40

6

Change: REM - RIM

Reason: Spelling Error

Signed:

*this change is on line 10 and line 6.*  
Alison O'Reilly

Dated:

9/9/05

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we're 54:17 We've 32:3 55:18 WHEREOF 63:13 WILLIAM 3:4 Williams 3:11 4:3 5:5,7 16:8,12,25 17:4 22:2,6 28:21 31:20 32:18 41:5 41:7 43:11 48:18,24 49:20 53:21 54:17 55:13,17 56:4,8,21,25 57:16 60:7,19,23 61:7,7 61:19 wish 39:7 44:11 WITNESS 63:13 word 49:18 61:1,3 work 6:25 10:24 32:20,25 35:6,13 37:2,9 40:21 worked 10:17,22 working 9:16 works 7:19 wouldn't 30:6 wrap 57:17 written 46:12	1989 11:2 1997 10:7 26:9 40:6,6 54:23  2 2 4:10 17:1,2 25:6 26:8 41:8 42:9 20 54:24 2000 10:9 20004 3:7 2001 9:25 48:10 2002 9:24 2003 5:19 2004 6:21 9:25,25 48:21 2005 1:18 4:15 15:11 17:12 18:2 57:11 58:6 63:15 2009 63:20 20191 5:20 202 3:8 21 17:17 18:9 22 4:11 22-60399 1:23 22101 5:17 26 1:18 29 4:15	7 7 4:18 31:13 46:21 59:15 60:21,24 78/235,618 1:10 78/547,268 61:2  8 8 48:13,20 800 9:4  9 9 31:17,19,22 49:9 9:05 1:19 911 27:1 28:3 29:21 30:4 31:23,24 32:17,20,23 33:4,13,23 34:5,13 35:16,19 38:22 41:14 42:13,16,20 43:1,17 44:6 45:16 46:7,13,16 46:19 48:17 49:2,18,25 55:11 59:10 60:1,9,17 97 10:9,15
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# EXHIBIT 10

Nextel Communications, Inc., Opposer, v. Motorola, Inc., Applicant  
Opposition No.: 91/161,817  
Application No.: 78/235,618  
Mark: Sensory Mark (911 Hz Tone)

Exhibit 10 in Support of Applicant's Motion for Summary Judgment

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2005-11-11 11:25:31 ET**

**Serial Number:** 78227515

**Registration Number:** 2827972

**Mark :** (SENSORY MARK ONLY)

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2004-03-30

**Filing Date:** 2003-03-19

**Transformed into a National Application:** No

**Registration Date:** 2004-03-30

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 102

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 2004-08-12

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. AWS Convergence Technologies, Inc.

**Address:**

AWS Convergence Technologies, Inc.

2-5 Metropolitan Court

Gaithersburg, MD 20878

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

---

**GOODS AND/OR SERVICES**

---

**International Class:** 009

Software for notifying consumers of live weather conditions, weather forecasts, weather alerts, and other

weather related information by means of a global computer network

**First Use Date:** 2000-01-00

**First Use in Commerce Date:** 2000-04-00

**Basis:** 1(a)

---

#### ADDITIONAL INFORMATION

---

**Description of Mark:** The mark consists of a series of five chirps similar to the chirping sound of a cricket.

---

#### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

#### PROSECUTION HISTORY

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2004-03-30 - Registered - Principal Register

2004-01-06 - Published for opposition

2003-12-17 - Notice of publication

2003-11-24 - Approved for Pub - Principal Register (Initial exam)

2003-11-24 - EXAMINERS AMENDMENT E-MAILED

2003-11-24 - Previous allowance count withdrawn

2003-11-21 - Previous allowance count withdrawn

2003-10-16 - Approved for Pub - Principal Register (Initial exam)

2003-09-22 - Communication received from applicant

2003-09-22 - PAPER RECEIVED

2003-09-05 - Non-final action e-mailed

2003-08-22 - Case file assigned to examining attorney

---

#### CORRESPONDENCE INFORMATION

---

**Correspondent**

Randel S. Springer (Attorney of record)

Randel S. Springer

Womble Carlyle Sandridge )& Rice, PLLC

One West Fourth Street  
Winston-Salem NC USA 27101

**Phone Number:** (336) 721-3747

**Fax Number:** (336) 726-6991

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# EXHIBIT 11

Nextel Communications, Inc., Opposer, v. Motorola, Inc., Applicant  
Opposition No.: 91/161,817  
Application No.: 78/235,618  
Mark: Sensory Mark (911 Hz Tone)

Exhibit 11 in Support of Applicant's Motion for Summary Judgment

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2005-11-11 11:26:17 ET**

**Serial Number:** 76157387

**Registration Number:** 2524758

**Mark :** (SENSORY MARK ONLY)

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2002-01-01

**Filing Date:** 2000-10-31

**Transformed into a National Application:** No

**Registration Date:** 2002-01-01

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 107

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 2004-08-12

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Heritage Siding & Windows, L.L.C.

**Address:**

Heritage Siding & Windows, L.L.C.

33838 Pacific Hwy. S, Ste. A-101

Federal Way, WA 98003

United States

**Legal Entity Type:** Ltd Liab Co

**State or Country Where Organized:** Washington

---

**GOODS AND/OR SERVICES**

---

**International Class:** 037

Commercial and residential building construction; building repair; installation of siding

**First Use Date:** 2000-10-16

**First Use in Commerce Date:** 2000-10-16

**Basis:** 1(a)

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### ADDITIONAL INFORMATION

---

**Description of Mark:** The mark consists of the sound of a kiss made when, for example, one is "blowing a kiss" to another person, as exemplified in the sound recording included with this application.

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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2002-01-01 - Registered - Principal Register

2001-10-09 - Published for opposition

2001-09-19 - Notice of publication

2001-07-31 - Approved for Pub - Principal Register (Initial exam)

2001-06-04 - Communication received from applicant

2001-05-16 - Communication received from applicant

2001-05-10 - Non-final action mailed

2001-04-17 - Case file assigned to examining attorney

---

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### CORRESPONDENCE INFORMATION

---

**Correspondent**

Robert O. Sailer (Attorney of record)

ROBERT O. SAILER

JUDD & SAILER PLLC

PO BOX 86

REDMOND WA 98073-0086

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# EXHIBIT 12

Nextel Communications, Inc., Opposer, v. Motorola, Inc., Applicant  
Opposition No.: 91/161,817  
Application No.: 78/235,618  
Mark: Sensory Mark (911 Hz Tone)

Exhibit 12 in Support of Applicant's Motion for Summary Judgment

A STUDY OF THE "CHIRP" SOUND

CONDUCTED FOR  
BRINKS HOFER GILSON & LIONE

SEPTEMBER 2005

**RL ASSOCIATES**

---

601 EWING STREET SUITE A-11  
PRINCETON, NEW JERSEY 08540  
(609) 683-9200  
(609) 683-0855 FAX

MOT 004675

Confidential - Attorneys' Eyes Only -  
Subject to Protective Order in TTAB  
Opp. No. 91/161,817

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APPENDIX A - QUESTIONNAIRE

APPENDIX B - MEMO TO SUPERVISORS AND INTERVIEWER  
INSTRUCTIONS

APPENDIX C - INTERVIEWS CONDUCTED BY KIMBERLY DUNN

APPENDIX D - RESUME OF MICHAEL RAPPEPORT

**MOT 004676**

Confidential - Attorneys' Eyes Only -  
Subject to Protective Order in TTAB  
Opp. No. 91/161,817

## I - INTRODUCTION

### Background

Motorola, Inc. ("Motorola") manufactures and sells a wide variety of communications equipment, including, but not limited to, two-way radios. We have been informed that Motorola's two-way radios are commonly used by a wide variety of public safety personnel, such as police officers, fire fighters, ski patrollers, and emergency medical technicians (EMTs). We understand that to avoid having people speak over one another, the radio has a built-in feature that signals when one person has finished speaking. Specifically, the radios signal a speaker is finished by emitting a "chirp" sound. On page 2 of Motorola's Answer to Notice of Opposition, this chirp sound is described as an "electronic sound consisting of a tone at 911 Hz played at a cadence of 25 milliseconds (ms) on, 25 ms off, 25 ms on, 25 ms off, 50 ms on."

### Goal of the Study

In the spring of 2003, Motorola filed an application for registration of the chirp sound. The application was subsequently opposed by Nextel Communications, Inc. ("Nextel"). We understand that Nextel opposed the registration because they claim the chirp sound is not inherently distinctive, nor has it acquired distinctiveness. In partial response to Nextel's concerns, Brinks Hofer Gilson & Lioné, (counsel for Motorola) commissioned RL Associates to design and carry out a fair and unbiased test of whether the chirp sound has or has not acquired source indicating distinctiveness (secondary meaning). As we understand it, for sounds (or similar sensory stimuli such as smells) source indicating distinctiveness has two components<sup>1</sup>:

- The sound is distinctive in that members of an appropriate public have come to recognize it as indicating (associated with) a particular event.
- It is source indicating, in that, when used to indicate a particular event, members of the appropriate public recognize it as being indicative of a single, albeit possibly anonymous source.

To test whether the chirp sound has in fact acquired source indicating distinctiveness, we designed and carried out a survey of members of the appropriate public of public safety personnel. This is a report on the results of that study.

---

<sup>1</sup> In this case we think it valuable to distinguish between these two components of source indicating distinctiveness, so in this report we will use that term rather than the more common term secondary meaning.

MOT 004677

## II – METHODOLOGY

### Introduction

Before beginning our discussion of the specific methodology used in this survey, we think it is important to note that the methodology used in any survey research project involves some degree of compromise between conflicting objectives. For instance, on the one hand, there is a desire to completely control the survey process, and on the other hand, a desire to replicate actual market conditions. It is therefore important to keep in mind throughout our discussion of methodology that, of necessity, the procedures used incorporated such compromises.

### General Approach

The primary objective in this case is to determine whether a sound has acquired source indicating distinctiveness among those people who routinely use the equipment that make the sound. Thus, it was obviously necessary to design a study in which respondents were able to hear the sound at issue. Theoretically, one could present the sound to respondents either in person or over the telephone. While a telephone approach is lower cost, in order to present the sound in as clear a way as possible we decided to interview respondents in person.

To a substantial degree, the sound at issue is employed in a piece of equipment (two-way radios) whose use is concentrated in a limited segment of the population, primarily, people who work in one aspect or another of public safety. By far the most cost-effective way to reach a random sample of such individuals is at the respondent's workplace. Such interviews are a common way of doing such surveys, and are generally accepted in the field as valid survey methodology.

### Universe and Sample

There are two issues related to drawing an appropriate sample:

1. Defining the proper universe from which to draw the sample.
2. Assuring the sample is drawn in such a way as to be representative of this universe.

Universe – In surveys designed for use in Lanham Act litigation, it is generally accepted that an appropriate universe consists of people who are likely to be actual or potential users of the

MOT 004678



product at issue. Since the product at issue in this case is a two-way radio used primarily by people in the field of public safety, we defined the appropriate universe for this study as police officers, fire fighters, and emergency medical technicians (EMTs).

**Sample Frame** – The methodology used in this study was in-person interviews conducted with police officers, fire fighters, and EMTs at their workplace. The interviewing firms we selected to conduct the interviews were geographically distributed throughout the United States.<sup>2</sup>

**Sample Selection** – The interviewers were instructed to use their local phone book to call police, fire, and EMT stations in their area. Interviews were done either at the workplace of the respondent or in the interviewing firm's offices. They were told to attempt to conduct interviews with 14 different workplaces. At the workplace, as long as each interview was conducted in private (i.e. with only the respondent able to hear the interview), interviewers were permitted to conduct up to two interviews per workplace. If respondents were asked to come to the interviewing firm's office, they were to interview no more than two respondents per workplace.

**Honoraria** – Both because offering respondents a small honoraria increases the response rate (and thus improves the reliability of the survey), and because we believe that there is an emerging understanding that there is an ethical responsibility to pay willing respondents for their time, respondents were offered \$25.00, either as a donation to their local Police Benevolent Board or their station, or as a cash payment to themselves.

---

<sup>2</sup> Interviews were conducted in each of the nine census regions except the East South Central region (KY, TN, AL, and MS).

**MOT 004679**

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Opp. No. 91/161,817

### Study Design

#### a) Introduction – The Need for “Controls”

As is true in virtually every perception survey, the design of this survey has to take into account potential sources of error. One type of error is artifacts arising from the survey procedure itself. This type of potential source of error is commonly referred to as “noise”. The most common, although not the only, source of “noise” is that rather than admit they don’t have an answer to a question, at least some respondents will “guess” in their desire to get the “right answer.” Because no matter how well designed a survey it is generally impossible to guarantee that such noise has been eradicated, there is a general need to provide a mechanism to estimate the noise. In the great majority of cases, this mechanism(s) is the use of one form or another of controls.

#### b) The Controls Used

Aside from the chirp, respondents were presented with three other “control” sounds. The controls were chosen in such a way that we believed that the three control sounds would reflect three of the possible alternatives (single source identifying, event but not source identifying, neither event nor source identifying), and so provide a variety of useful estimates of the underlying tendency of respondents to guess (i.e. of the noise).

##### a) The chime sound played at startup of a computer running the Windows operating system.

In designing the survey, we believed that a majority of people would be able to identify this sound, and would think it comes from one company (and in particular Microsoft).

##### b) A doorbell – In designing the survey, we believed that a majority of people would be able to identify this sound, but would think that it comes from more than one company.

##### c) A paper cutter cutting paper – In designing the survey, we believed that a majority of people would not be able to identify this sound.

It is clearly desirable for respondents to hear the sounds in a consistent, controlled manner. To accomplish this, a high quality CD or cassette containing the four sounds described above was produced in a recording studio. To limit any possible order bias, the sounds were presented in two sequences – half the respondents heard the sounds in the sequence: Windows, doorbell, paper cutter, chirp, the other half heard the sequence: doorbell, chirp, paper cutter, Windows.

**MOT 004680**

### Questionnaire

Once the respondent was alone with the interviewer, they were told:

*I am going to have you listen to a few recorded sounds.  
You will then be asked some questions.*

The interviewer then started the CD player. With the exception of probe questions and two demographic questions at the end of the questionnaire, the questions and sounds were recorded on the CD. This was done to ensure that everyone clearly heard the same set of instructions. Interviewers were instructed to follow along with the script, pausing the CD when told to do so, and recording the respondent's answers in the appropriate spaces.

The recording began with the following instructions:

*You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.*

Each sound was then identified by a number and played three times, and the recording then continued:

*Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound. This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.*

The interviewer pressed pause and recorded the respondent's answer in the space provided. The interviewer was instructed to probe once with, "Is there anything else?" If the respondent identified the sound, but did not mention the name of a specific company in his or her answer, the interviewer asked a follow-up question:

*You said that sound comes from a [ANSWER FROM PREVIOUS QUESTION]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?*

The interviewer then resumed the CD and the same procedure was repeated for three other sounds. The interviewer then completed the interview by asking two demographic questions:

*Finally, what is your job title?  
Is your position paid or volunteer? (Not asked of Police)*

**MOT 004681**

At the conclusion of the interview, respondents were asked to complete a brief honorarium form specifying the charity they wanted their \$25 honorarium donated to, or acknowledging that they received \$25. A complete copy of the questionnaire used in this study is included in Appendix A.

### Interviewing

Courts have consistently held that surveys conducted for use in litigation require that the interviewing be done by professional interviewers who are shielded from the client sponsoring the work, from the purpose of the study, and even from the fact that the study is being conducted for litigation. That is, the interviewing procedures must be "double blind." For this reason, in this study the interviewers and their supervisors were never told for whom the study was being conducted, nor that it was being conducted for litigation purposes. Furthermore, we believe that in this study the interviewer instructions and, more importantly, the test procedures themselves are transparent, in the sense that an independent observer could not tell who had commissioned the survey.

A total of 180 interviews<sup>3</sup> were conducted by 8 interviewing firms. Each firm was instructed to conduct one to two interviews at each of 14 different stations. The name and location of each interviewing firm, and the number of interviews conducted by that firm, appears below:

- 13 Quick Test/Discovery NQN in Natick, MA (Ballot numbers starting "1")
- 27 Northeast Data in West Nyack, NY (2)
- 28 Quick Test/Discovery NQN in Olympia Fields, IL (3)
- 10 Helen Nelson Market Research in Rosemount, MN (4)
- 28 Quick Test/Discovery NQN in Atlanta, GA (5)
- 25 Quick Test in Houston, TX (6)

<sup>3</sup> Sixteen interviews conducted in Atlanta, GA by Kimberly Dunn are not included in the results presented in the next chapter of this report. Based on a careful review of her work, we believe that at least some of her interviews were not conducted correctly, if at all. For one thing, the answers in two of her interviews (Ballot numbers 5-113 and 5-114) are exactly the same. In both interviews the four sounds are identified as follows: Computer program – Windows; Doorbell; Door closing – Heavy door scrubbing; Cell phone – Nextel. More important, when a member of the RL Associates professional staff attempted to validate these two interviews, in one case she was told the respondent did not work at that station, and in the other case the number was disconnected. We attempted to validate the remaining 14 of Kimberly's interviews. We were told that there was no such person at 6 of the numbers we tried, and one number was for a fax machine. For these reasons, we decided to exclude all of the work done by Kimberly Dunn. We believe that, if anything, discarding the interviews was conservative from the point of view of Motorola (that is, these interviews would have been slightly beneficial to Motorola). Copies of the 16 interviews conducted by Kimberly Dunn are included in Appendix C.

MOT 004682

25 C & C Market Research in Westminster, CO (7)

24 Consumer Pulse in Redondo Beach, CA (8)

All interviews were conducted in August and September 2005 by professional interviewers employed by firms that we consider reliable and trustworthy. Aside from their general training and experience as interviewers, each interviewer was provided with a copy of written instructions, which specifically instructed them in the proper procedures for this study. A copy of the instructions is included in Appendix B.

#### Validation

In order to ensure that the interviewing was carried out as reported, two members of the RL Associates professional staff independently read all of the interviews. This practice allows us to look for patterns in the questionnaires conducted by a particular interviewer (e.g., repetition of an unusual phrase) that indicate that the questionnaires were not completed correctly, or were simply made up by the interviewer.

A second source of validation is the honorarium sheet the respondent was asked to complete at the end of the interview.

In addition, at least 20% of each interviewer's work (other than Kimberly Dunn's) is currently being formally validated by AVC Research, an independent interviewing service located in Belvidere, New Jersey. The purpose of this formal validation is to determine whether the respondent recalled participating in the interview, not to verify a respondent's answers to any particular question. As of this date, it is our opinion that all interviews were carried out according to our instructions.

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### III – DATA AND DISCUSSION

This survey was designed to provide information as to whether or not:

- The sound is distinctive in that members of an appropriate public have come to recognize it as indicating (associated with) a particular event.
- It is source indicating, in that when used to indicate a particular event, members of the appropriate public recognize it as being indicative of a single, albeit possibly anonymous source.

The results of the 164 interviews are shown in three tables. Table I shows the results relevant to the first issue tested – whether each sound is recognizable as indicating a particular event. The results show figures for the four different sounds each respondent heard:

TABLE I

*Please tell me what it is and what, if anything, you know about this sound.*

	<u>Chirp</u>	<u>Paper Cutter</u>	<u>Doorbell</u>	<u>Windows Start-up</u>
Radio	21	0	0	0
Walkie-talkie	27	0	0	0
Radio and walkie-talkie	4	0	0	0
Telephone	13	0	0	4
Paper Cutter	0	21	0	0
Doorbell	0	0	96	0
Computer	3	1	0	87
Any Other	25	67	3	7
Don't Know	7	12	1	2

#### ALL FIGURES ARE PERCENT OF 164 INTERVIEWS

The 28% (3+25) who said either computer or some other product or service in response to the “chirp” sound clearly indicate some guessing was going on with respect to this sound. However, the fact that not one individual mentioned either radio or walkie-talkie with respect to any of the other sounds shows that those respondents who said either radio or walkie-talkie with respect to the “chirp” sound were not guessing. While there was significant mention of “telephone”, and some people may have been referring to the walkie-talkie feature of a telephone, this is not clear in the responses. Therefore, to be conservative (from Motorola’s point of view), we did not count telephone answers as indicating a radio/walkie-talkie device. We conclude that net of noise 52% (21+27+4) recognize the “chirp” sound as that made by a radio and/or walkie-talkie.

**MOT 004684**

Table II shows the results relevant to the second issue tested – whether each sound is identified with a specific source, or if not whether it is identified with one company or more than one company. As in Table I, the results are shown for the four different sounds.

TABLE II

*Please tell me what it is and what, if anything, you know about this sound.  
Are you thinking of one company or more than one company?*

	<u>Chirp</u>	<u>Paper Cutter</u>	<u>Doorbell</u>	<u>Windows Start-up</u>
Motorola only	14	0	0	0
Nextel only	29	0	0	0
Motorola and Nextel	9	0	0	0
Motorola and/or Nextel total	52	0	0	0
Microsoft/Windows	0	1	0	66
Any other specific single source	10	13	11	13
Unknown single source	2	1	3	2
Any specified multiple sources	5	4	2	3
Unknown multiple sources	5	13	20	3
Don't know number of sources	19	56	63	10
Don't know what sound is	7	12	1	2

ALL FIGURES ARE PERCENT OF 164 INTERVIEWS

The 22% (10+2+5+5) who either gave a non-Motorola/Nextel source or multiple sources in response to the "chirp" sound clearly indicate some guessing was going on. However, (and this is roughly true for each of the four sounds) the 12% (10+2) who said single source (other than Motorola or Nextel) just about balanced the 10% (5+5) who said multiple sources. Moreover, no respondent said Motorola and/or Nextel for any of the other sounds. We conclude that all of the guessing with regard to the specific source of the "chirp" sound is reflected in the respondents who gave a non-Motorola/Nextel single source – in other words, those respondents who said Motorola and/or Nextel with respect to the "chirp" sound were not guessing. We conclude that net of noise 52% (14+29+9) associate the "chirp" sound with Motorola and/or Nextel.

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The tables on the previous two pages show the proportions of people who met each of the two components of source indicating distinctiveness. Table III shows the proportion of people who gave answers that met both of the two criteria.

TABLE III

Motorola only and radio only	7%
Motorola only walkie-talkie only	3
Motorola only and radio and/or walkie-talkie	11
Nextel only and walkie-talkie only	20
Nextel only and radio only	3
Nextel only and radio and/or walkie-talkie	24
Motorola and Nextel – radio and/or walkie-talkie	7
Motorola and/or Nextel – radio and/or walkie-talkie	42

As discussed on the previous two pages, because respondents were only counted who were not guessing either with respect to the event (i.e. radio and/or walkie-talkie) or with respect to the source (Motorola and/or Nextel) these results are essentially “net of noise”. Thus the data shows that approximately 42% of the relevant population recognize the “chirp” sound as that made by a Motorola and/or Nextel radio and/or walkie-talkie.

MOT 004686

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## IV – PERSONNEL AND REMUNERATION

Michael Rappeport was responsible for all aspects of this survey. Dr. Rappeport's resume, including cases and publications, is attached as Appendix D.

RL Associates is being compensated \$65,400 for this survey. Dr. Rappeport's hourly compensation rate for time spent subsequent to this report is \$500/hour.

*Michael Rappeport Sept 14, 2005*  
Michael Rappeport

MOT 004687

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**APPENDIX A**  
**QUESTIONNAIRE**

**MOT 004688**

**Confidential - Attorneys' Eyes Only -**  
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**Opp. No. 91/161,817**

**RL ASSOCIATES  
SOUND STUDY - RG682  
SCREEN SHEET**

INTERVIEW DATE: \_\_\_\_\_  
START TIME: \_\_\_\_\_  
END TIME: \_\_\_\_\_

INTRODUCTION: Hello, this is \_\_\_\_\_ from \_\_\_\_\_. We're conducting a brief survey among various professionals. I want to emphasize that we are not selling anything, and we will not ask any questions about your work.

Our survey takes less than 10 minutes to complete. The survey involves listening to something on a cd, so it must be conducted in person, either at your station, or our office, whichever is most convenient for you. We will donate \$25 to your...

IF POLICE, SAY: local PBA for your participation in this study.

IF FIRE/EMT, SAY: station for your participation in this study.

IF THE PERSON IS NOT AVAILABLE NOW, DETERMINE A TIME TO CALL BACK.  
**RESULT IF CANNOT CONTINUE NOW:**

- ☐ Agreed to participate - Date and time of appointment: \_\_\_\_\_
- ☐ Call back to arrange appointment: \_\_\_\_\_
- ☐ Refused to participate - Terminate and tally

INTERVIEWER INDICATE: 1 POLICE      2 FIRE      3 EMT

RESPONDENT NAME: \_\_\_\_\_

STATION ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

STATION PHONE NUMBER: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**MOT 004689**

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TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

**VOICE:** This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

**SOUND #2**

**VOICE:** Please press pause now.

**INTERVIEWER:** PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

**INTERVIEWER:** PRESS PAUSE TO RESUME CD/TAPE

**MOT 004691**

**VOICE:** This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

**SOUND #3**

**VOICE:** Please press pause now.

**INTERVIEWER:** PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

**INTERVIEWER:** PRESS PAUSE TO RESUME CD/TAPE

**MOT 004692**

**VOICE:** This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

**SOUND #4**

**VOICE:** Please press pause now.

**INTERVIEWER:** PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

**INTERVIEWER:** PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

**IF FIRE/EMT, ASK:**

Is your position...

1 paid or

2 volunteer?

-----  
I (INTERVIEWER PRINT FULL NAME) \_\_\_\_\_

verify that I conducted this interview on (date) \_\_\_\_ / \_\_\_\_ / \_\_\_\_ at (time) \_\_\_\_ : \_\_\_\_.

INTERVIEWER SIGNATURE: \_\_\_\_\_

**MOT 004693**

**APPENDIX B**

**MEMO TO SUPERVISORS AND INTERVIEWER INSTRUCTIONS**

**MOT 004694**

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Opp. No. 91/161,817**



# RL ASSOCIATES

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601 EWING STREET SUITE A-11  
PRINCETON, NEW JERSEY 08540  
(609) 683-9200  
(609) 683-0855 FAX

## SOUND STUDY – RG682 MEMO TO SUPERVISORS

PLEASE CALL ME AFTER YOU HAVE CAREFULLY REVIEWED THESE INSTRUCTIONS. I WOULD LIKE TO TALK TO YOU BEFORE YOU START THIS JOB.

The respondents for this study are police officers, fire fighters, and emergency medical technicians (EMTs). You are going to have to pre-recruit the respondents, using your local phone book. This is an in-person interview. It can be conducted either at the respondent's station, or at your interviewing facility, whatever is most convenient for you and the respondent. We would like you to conduct at least one interview at 14 different stations (or – if you are conducting the interviews at your facility – with people from 14 different stations). You may conduct up to 2 interviews per station, so, you should end up conducting between 14 and 28 interviews in all.

We are offering to make a \$25 donation to the police officer's Police Benevolent Association (PBA) or the fire fighter's/EMT's station for their participation in this study.

The study involves playing a CD (or cassette) that has four sounds on it, and finding out what, if anything, the respondent knows about those sounds. Most of the instructions to the respondent have been recorded on the CD, so the interviewer just has to follow along with what is written on the questionnaire. During the interview, the interviewer's primary responsibilities include:

- Starting and stopping the CD/tape at the appropriate time
- Writing down the respondent's answers
- Asking the probe question, Is there anything else?
- Asking a follow-up question that is specified on the questionnaire
- Asking two questions at the end of the survey
- Having the respondent fill out the honorarium sheet

If possible, we ask that a MINIMUM OF TWO interviewers work on this project.

Each interviewer is to have his or her own set of interviewer instructions.

**\* Before conducting any interviews, ALL interviewers working on this study must read and sign a copy of the interviewer instructions. The signed interviewer instructions must be returned to RL Associates at the end of the study. Work will not be accepted from interviewers who did not sign the interviewer instructions prior to conducting interviews.**

We ask that you carefully review the questionnaire and the interviewer instructions with the interviewers before they start interviewing. It is essential that all interviews be conducted completely and correctly.

MOT 004695

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Opp. No. 91/161,817

MEMO TO SUPERVISORS – PAGE 2

The Screen Sheet can be filled out in pencil, but the rest of the questionnaire should be completed in **black or blue PEN**. We do not want the interviewer to erase or "white out" ANYTHING that he or she writes. If the respondent changes his or her mind, the change should be recorded verbatim. If the interviewer makes a mistake, he or she should cross out the mistake, and put their initials by the change.

Please be sure the interviewer fills in ALL of the information that is asked for at the end of the questionnaire. We are going to look at this information to verify that the interviews were done correctly. Interviewers are to print their full name, enter the date and time the interview was conducted, and sign the bottom of the interview.

Do not edit the questionnaires. We want to see the questionnaires exactly as the interviewer records them and submits them to you. This is why it is crucial that the interviewer carefully follow the instructions.

We WILL NOT PAY for work that is incomplete, incorrectly completed, or unreadable. If you or the interviewers have ANY questions about this study, please call me!

Please ship the completed study back to our office as soon as it is complete.

- We would like you to fax us the first two interviews you do as soon as they are completed.
- We would like you to send us all of your completed interviews on Friday, September 9 so that we receive them on Monday, September 12. If you are not going to be able to meet this deadline, please let us know.

As soon as you have finished the study, please return all of the materials, including:

- Completed questionnaires
- Signed interviewer instructions
- Signed honoraria sheets
- CD and cassette

You can ship the study back to us in one of two ways:

- a) UPS NEXT DAY AIR – Our UPS shipping number is
- b) FEDERAL EXPRESS P1 – Our Federal Express account number is

If you have any questions or concerns, please call me. Thank you very much.

MOT 004696

## SOUND STUDY – RG682 INTERVIEWER INSTRUCTIONS

PLEASE TAKE THE TIME TO CAREFULLY REVIEW THESE INSTRUCTIONS.

**\* Before conducting any interviews, you must read AND SIGN a copy of the interviewer instructions (see the bottom of Page 2 of these instructions). It is essential that the interviews be conducted COMPLETELY and CORRECTLY. If you have any questions, please ask your supervisor.**

### The Respondents

The respondents for this study are police officers, fire fighters, and emergency medical technicians (EMTs) that have been pre-recruited to participate in this study.

### The Questionnaire

This study involves playing a CD (or cassette) that has four sounds on it, and finding out what, if anything, the respondent knows about those sounds. Most of the instructions to the respondent have been recorded on the CD, so you just have to follow along with what is written on the questionnaire. During the interview, your primary responsibilities include:

- Starting and stopping the CD/tape at the appropriate time
- Writing down the respondent's answers
- Asking the probe question, Is there anything else?
- Asking a follow-up question that is specified on the questionnaire (see note below)
- Asking two questions at the end of the survey
- Having the respondent fill out the honorarium sheet

### **\* The Follow-Up Question**

After the respondents hear each sound, they are asked what it is and what, if anything, they know about it. If the respondent identifies the sound, but does not mention the name of a specific company in their answer, be sure to ask the follow-up question:

You said that sound comes from a [ANSWER GIVEN]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

For instance, if the respondent says the sound is a boiling tea kettle, the follow up question should be:

You said that sound comes from boiling tea kettle. Are you thinking of one company who makes that tea kettle or more than one company who makes that tea kettle?

**IT IS IMPORTANT TO NOTE THAT THERE ARE NO "RIGHT" ANSWERS. WHAT WE ARE INTERESTED IN IS WHAT THE RESPONDENT THINKS. TO US, WHATEVER THE RESPONDENT SAYS IS "RIGHT."**

**MOT 004697**

INTERVIEWER INSTRUCTIONS - PAGE 2

The Screen Sheet can be filled out in pencil, but the rest of the questionnaire should be completed in **black or blue PEN**. We do not want you to erase or "white out" ANYTHING that you write. If the respondent changes his or her mind, record the change verbatim. If you make a mistake, cross out the mistake, and put your initials by the change.

Please be sure to carefully fill in ALL of the information that is asked for at the end of the questionnaire. We are going to look at this information to verify that the interviews were done correctly. You must print your full name, enter the date and time the interview was conducted, and sign your full name.

If you have ANY questions about any aspect of this study, please ask your supervisor!

\_\_\_\_\_  
\* \* \* SIGN AND RETURN AT THE END OF THE STUDY \* \* \*

I \_\_\_\_\_ have read the above interviewer instructions on \_\_\_\_\_ (date)  
at \_\_\_\_\_ (time). INTERVIEWER SIGNATURE:

MOT 004698

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**APPENDIX C**

**INTERVIEWS CONDUCTED BY KIMBERLY DUNN**

**MOT 004699**

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TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

*Computer program*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Windows*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

Doorbell

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004701

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

*Door Closing -*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Heavy door scrubbing*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004702



VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4

VOICE: Please press pause now.

2-4

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

Cell Phone

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

Westel

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

IF FIRE/EMT, ASK:

Is your position...

- ① paid or  
2 volunteer?

I (INTERVIEWER PRINT FULL NAME)

Kimberly Dunn

verify that I conducted this interview on (date) 9/6/05 at (time) 1:30.

INTERVIEWER SIGNATURE

Kimberly C Dunn

MOT 004703

- 1 -

5-114

TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

Computer Program

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:  
You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

Windows

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004704

- 2 -

5-114

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

Door bell

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004705

-3-

5-114

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

*Door Closing*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Heavy door scrubbing*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004706

-4-

5-114

VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4

2-4

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

Cell phone

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:  
You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

Nexted

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

IF FIRE/EMT, ASK:

Is your position...

1 paid or

2 volunteer?

I (INTERVIEWER PRINT FULL NAME) Kimberly Dunn

verify that I conducted this interview on (date) 9/21/08 at (time) \_\_\_\_\_

INTERVIEWER SIGNATURE: Kimberly C. Dunn

MOT 004707

- 1 -

5-115

TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

*The computer program windows.*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004708

-2-

5-115

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

Door bell

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

Dont know

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004709

Confidential - Attorneys' Eyes Only -  
Subject to Protective Order in TTAB  
Opp. No. 91/161,817

-3-

5-115

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

*The old roller stamp*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Dont know*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004710

Confidential - Attorneys' Eyes Only -  
Subject to Protective Order in TTAB  
Opp. No. 91/161,817



-4-

5-115

VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4

3-1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

*Nextel, radar, signal for a call.*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Nextel - Motorola*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

IF FIRE/EMT, ASK:

Is your position...

- 1 paid or
- 2 volunteer?

I (INTERVIEWER PRINT FULL NAME)

*Kimberly Dunn*

verify that I conducted this interview on (date) *9/7/05* at (time) *4:45*

INTERVIEWER SIGNATURE:

*Kimberly C Dunn*

MOT 004711

TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

*The Computer opening up a new  
application*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

*Standard door bell*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004713

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

*Un not sure*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004714

VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4

1-1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

Oh yeah, the Motorola.

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

Our radio.

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

Office

IF FIRE/EMT, ASK:

Is your position...

- 1 paid or  
2 volunteer?

I (INTERVIEWER PRINT FULL NAME)

Kimberly Dunn

verify that I conducted this interview on (date) 9/6/05 at (time) 6:30

INTERVIEWER SIGNATURE:

Kimberly Dunn

MOT 004715

TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

*Elevator down from the fancy ones  
when you get to your floor.*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*I don't know that*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

5-117

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

A door beep

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

Un sure

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004717

5-117

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

*Not a clue*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004718



5-117

VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4

1-1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

*Our radios*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*McAreda*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

IF FIRE/EMT, ASK:

Is your position...

- 1 paid or
- 2 volunteer?

I (INTERVIEWER PRINT FULL NAME)

*Kimberly Dunn*

verify that I conducted this interview on (date) *9/16/05* at (time) *3:30*.

INTERVIEWER SIGNATURE:

*Kimberly C. Dunn*

MOT 004719

TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

*Micro soft windows*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

5-118

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

Doorbell

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

All of them every body makes that Keav

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004721

5-118

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004722

5-118

VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4.

VOICE: Please press pause now.

1-1

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

Motorolas the company the radios  
that we use.

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

fireman

IF FIRE/EMT, ASK:

Is your position...

- 1 paid or
- 2 volunteer?

I (INTERVIEWER PRINT FULL NAME)

Kimberly C. Dunn

verify that I conducted this interview on (date)

9/6/05 at (time) 1:15.

INTERVIEWER SIGNATURE

Kimberly C. Dunn

MOT 004723

TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

Windows

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004724

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

*The door bell*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*NOT sure*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004725

5-119

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

*The old credit card machine  
things*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Don't have a clue*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004726



5-119

VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4

1-6

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

*Motorolas low battery*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

IF FIRE/EMT, ASK:

Is your position...

- 1 paid or
- 2 volunteer?

I (INTERVIEWER PRINT FULL NAME)

*Kimberly Dunn*

verify that I conducted this interview on (date) *9/6/05* at (time) *2:00*

INTERVIEWER SIGNATURE

*Kimberly C. Dunn*

MOT 004727

- 1 -

5-120

TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT. JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

*Opening an app. on the computer*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Bluebird makes windows*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

- 2 -

5-120

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

Deer beep

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

N/A

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004729

-3-

5-120

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

Don't know

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:  
You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004730

- 4 -

5-120

VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4

VOICE: Please press pause now.

3-1

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

*Our Rader's at the hotel*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*both by Motorola*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

IF FIRE/EMT, ASK:

Is your position...

- 1 paid or
- 2 volunteer?

I (INTERVIEWER PRINT FULL NAME)

*Kimberly Dunn*

verify that I conducted this interview on (date) *9/17/05* at (time) *7:20*.

INTERVIEWER SIGNATURE:

*Kimberly Dunn*

MOT 004731

- 1 -

5-121

TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

*Computer start up*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:  
You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Windows*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004732

-2-

5-121

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

*Mohar detector at the store  
or one of those regular door bells*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*No I don't know it's probably  
the door bell but I don't know who  
did make it*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004733

-3-

5-121

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

*Hand copy machine with the  
2 or three copies*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Couldn't tell you!*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004734



-4-

5-121

VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4

8-6

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

The radio going dead at the cell  
phone

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

Volunteer fireman

IF FIRE/EMT, ASK:

Is your position...

1. paid or

2. volunteer?

I (INTERVIEWER PRINT FULL NAME)

Kimberly Dunn

verify that I conducted this interview on (date)

9/7/05 at (time) 3:15

INTERVIEWER SIGNATURE:

Kimberly C. Dunn

MOT 004735

-1-

5-122

TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

*Computer prompt*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Windows*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004736

-2-

5-122

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

*Door bell*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Any one its a regular doorbell*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004737

- 3 -

5-122

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

*I don't know*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004738

- 4 -

5-122

VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4

8-1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

*Radio battery*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*I don't know*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

*Officer*

IF FIRE/EMT, ASK:

Is your position...

- 1 paid or
- 2 volunteer?

I (INTERVIEWER PRINT FULL NAME) Kimberly Dunn

verify that I conducted this interview on (date) 9/7/05 at (time)     :    .

INTERVIEWER SIGNATURE: Kimberly C. Dunn

MOT 004739

TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

*The sound when you log onto  
the computer.*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Windows*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

*Simple dark bell*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*I can't think of one I'm sure  
quite a few people use this kind.*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004741

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

*Hand computer*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Just the little hand calculator*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004742



VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4

VOICE: Please press pause now.

8-1

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

Dead battery in the radio ..

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

Fire fighter

IF FIRE/EMT, ASK:

Is your position...

- 1 paid or  
2 volunteer?

I (INTERVIEWER PRINT FULL NAME)

Kimberly Dunn

verify that I conducted this interview on (date) 9/16/05 at (time) 12:25.

INTERVIEWER SIGNATURE:

Kimberly C. Dunn

MOT 004743

TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

Computer

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

I'm not sure probably Windows

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004744

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

*Down bell.*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Not sure*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004745

5-124

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

Dnt Know

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004746

VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4

1-1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

Call Radio.

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

M. Airala.

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

Officer

IF FIRE/EMT, ASK:

Is your position...

- ① paid or  
2 volunteer?

I (INTERVIEWER PRINT FULL NAME)

Kimberly Dunn

verify that I conducted this interview on (date) 9/6/05 at (time) 3:50

INTERVIEWER SIGNATURE:

Kimberly C. Dunn

MOT 004747

TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

*The Computer music*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*don't not sure.*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

Door beep

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

Don't know

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004749

5-125

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

Dont Know

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004750



VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4

1-1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

CB our Radio signal

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

Motrola

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

Officer

IF FIRE/EMT, ASK:

Is your position...

- 1 paid or  
2 volunteer?

I (INTERVIEWER PRINT FULL NAME)

Kimberly Dunn

verify that I conducted this interview on (date)

9/6/05 at (time) 6:40.

INTERVIEWER SIGNATURE

Kimberly Dunn

MOT 004751

- 1 -

5-126

TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

*The Computer start up sounds*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Don't Know*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

- 2 -

5-126

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

*Door bell*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Don't know*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004753

-3-

5-126

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

Don't Know

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004754

- 4 -

5-126

VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4

1-1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

*This ones the ball e'chain the radio  
call when you have a call*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Mobda*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

*Officer*

IF FIRE/EMT, ASK:

Is your position...

- 1 paid or
- 2 volunteer?

I (INTERVIEWER PRINT FULL NAME)

*Kimberly Dunn*

verify that I conducted this interview on (date) *9/17/05* at (time) \_\_\_\_\_.

INTERVIEWER SIGNATURE: *Kimberly Dunn*

MOT 004755

- 1 -

5-127

TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

VOICE: You are going to hear four sounds one after another. You will hear each sound three times. After you have heard all four sounds, you will then hear each sound individually, and I will ask if you can identify the sound.

VOICE: This is Sound Number 1 (Sound x 3)

VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: Is there anything else?

*The microsoft; window tones*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:  
You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Windows*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

-2-

5-127

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

*Door bell*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Havent got a clue!*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004757

-3-

5-127

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

*I'm not sure sounds like some kind  
of letter going back and forth*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*definitely don't know*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004758



- 4 -

5-127

VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4

2-6

~~2-6~~

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

*Nextel chirp*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:  
You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*Nextel*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

*Officer*

IF FIRE/EMT, ASK:

Is your position...

☒ paid or  
☐ 2 volunteer?

I (INTERVIEWER PRINT FULL NAME) Kimberly Dunn

verify that I conducted this interview on (date) 9/17/05 at (time) 6:

INTERVIEWER SIGNATURE: Kimberly C. Dunn

MOT 004759

-1-

5-128

TAKE THE RESPONDENT SOMEWHERE PRIVATE TO BE INTERVIEWED. SEAT THE RESPONDENT. SAY: I am going to have you listen to a few recorded sounds. You will then be asked some questions.

INTERVIEWER: BEGIN THE CD/TAPE PLAYER. DO NOT READ THE FOLLOWING SCRIPT, JUST FOLLOW ALONG WITH IT. WHEN THE VOICE TELLS YOU TO PAUSE THE CD/TAPE, PLEASE DO SO AND RECORD THE RESPONDENT'S ANSWER IN THE SPACE PROVIDED. THE SCRIPT IS IN BOLD PRINT.

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VOICE: This is Sound Number 2 (Sound x 3)

VOICE: This is Sound Number 3 (Sound x 3)

VOICE: This is Sound Number 4 (Sound x 3)

VOICE: Now you will hear each of the sounds again. After you hear each sound there will be an opportunity for you to tell the interviewer what, if anything, you know about the sound.

VOICE: This is the first sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #1 HERE. PROBE ONCE WITH: "Is there anything else?"

*Micic Soft*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

- 2 -

5-128

VOICE: This is the second sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #2

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #2 HERE. PROBE ONCE WITH: Is there anything else?

Door keel

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:  
You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004761

-3-

5-128

VOICE: This is the third sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #3

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #3 HERE. PROBE ONCE WITH: Is there anything else?

*I'm not sure it sounds like a Manu  
Copier*

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

*No I'm not sure what it is*

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

MOT 004762

- 4 -

5-128

VOICE: This is the fourth sound. If you happen to know what this sound is, please tell me what it is and what, if anything, you know about it. Please be as specific as possible. If you don't happen to know what the sound is, it is okay to say so.

SOUND #4

1-1

VOICE: Please press pause now.

INTERVIEWER: PRESS PAUSE AND RECORD VERBATIM WHAT THE RESPONDENT SAYS ABOUT SOUND #4 HERE. PROBE ONCE WITH: Is there anything else?

Motorola Radio

IF THE RESPONDENT IDENTIFIES THE SOUND, BUT DOES NOT MENTION A SPECIFIC COMPANY IN HIS OR HER ANSWER, ASK:

You said that sound comes from a [ANSWER FROM ABOVE]. Are you thinking of one company who makes that [ANSWER] or more than one company who makes that [ANSWER]?

INTERVIEWER: PRESS PAUSE TO RESUME CD/TAPE

Finally, what is your job title?

IF FIRE/EMT, ASK:

Is your position...

1 paid or

2 volunteer?

I (INTERVIEWER PRINT FULL NAME)

Kimberly Ann

verify that I conducted this interview on (date) 9/8/05 at (time) 3:50.

INTERVIEWER SIGNATURE:

Kimberly Ann

MOT 004763

**APPENDIX D**  
**RESUME OF MICHAEL RAPPEPORT**

**MOT 004764**

**Confidential - Attorneys' Eyes Only -  
Subject to Protective Order in TTAB  
Opp. No. 91/161,817**

## DR. MICHAEL RAPPEPORT

Dr. Rappeport has worked in market and survey research areas for more than 35 years, the last 27 as a partner of R L Associates. As part of his function he has made more than 200 appearances as an expert witness in legal cases at trial and/or through deposition. His testimony has dealt with statistics and statistical analysis, marketing, and public opinion in cases in such disparate areas as trademark infringement, libel, damages for failure to fulfill a contract, and reapportionment. He has also testified as an expert in a number of quasi-legal proceedings before a range of public boards, agencies and regulatory bodies.

### Education

B.S. Physics, RPI, Troy, New York 1957

M.S. Electrical Engineering, Yale University, New Haven 1958

PH.D. Statistics, New York University, 1968

### Professional positions

1975 - present: Founding partner, R L Associates, survey research and consulting firm

Dr. Rappeport has had wide experience both in the direction of all kinds of surveys of human populations and as a consultant in statistical, strategy planning and survey research areas. Two areas in which he has been particularly active are studies on public policy, and studies for use in litigation. Along with responsibility for the management of the firm, Dr. Rappeport has direct responsibility for all statistical aspects of the firm's work. In the main this encompasses sample design and the use of a wide variety of statistical analysis techniques. He has designed projectable national and regional probability samples of all civilian non-institutional telephone households, and a very wide range of specialized samples of all types.

1969 - 1972; 1973 - 1975: Vice president and chief statistician, Opinion Research Corporation, Princeton, New Jersey

1972 - 1973: Vice president, Response Analysis Corp. Princeton, New Jersey

1959 - 1969: Supervisor, Bell Telephone Laboratories, Holmdel, New Jersey

MOT 004765

### Teaching

At various times, Dr. Rappeport has taught or conducted guest lectures in a number of colleges and universities. He has been an adjunct instructor in both Research Methods and Political Public Opinion at Rutgers University, and taught a course in Marketing at Rider College.

### Articles and Speeches

Over the course of the last 25 years, Dr. Rappeport has written approximately 40 published articles, and given more than 70 speeches. He has spoken at a number of meetings of legal organizations including:

- Faculty member -- ABA-ALI seminar on Dilution -- February 2004
- Participation in a 2003 panel of the Amer. Intellectual Property Law Assoc.
- Participation in a 2001 panel of the Advanced Practitioners Prog of the Intl. Trademark Assoc.
- A 1998 speech to the Bar for the Federal Circuit
- Witness at a mock trial at the Feb. 1998 Meeting - American Bar Association Antitrust Section
- A 1996 speech to the New Jersey Intellectual Property chapter of the Inns of Court.
- A 1995 panel presentation for the CLE program, American Bar Assoc. - Antitrust Section.
- A 1995 speech to the CLE program, American Bar Assoc. - Intellectual Property Section
- Witness at a mock trial at the 1995 meeting of the American Intellectual Property Law Assoc.

Among the wide cross-section of other types of organizations where he has spoken at an annual or other major meeting are Planned Parenthood Federation of America, United States Trademark Association, Travel and Tourism Research Association, Newspaper Research Council, Pennsylvania Hospital Association, and New Jersey Political Science Association.

### Other

Dr. Rappeport is currently listed in Who's Who in the East, and several other similar publications dealing with the Legal Profession, Social Sciences and Marketing. He has served on a variety of civic and professional boards. Among those most directly related to his professional activities:

- Editorial Board of the "Trademark Reporter" 1993 - 1996, 1997 - 2004
- Board of Advisors - Citizens Committee on Bio-Medical Ethics 1986 - 1994
- New Jersey State Bio-Ethics Task Force on Public and Professional Education - 1989- 1992
- Board of Directors, American Association for Public Opinion Research, 1976 - 1980; Standards Chairman 1979 - 1980

MOT 004766



Cases in which Michael Rappeport has appeared either by deposition or in trial as an expert witness 2001-2005. Date shown is first appearance. Unless noted all cases listed were in United States District Courts.

2005

June Deposition – The City of New York v. Albert Elovitz – Southern District New York  
April Deposition and August Trial – Dosatron Intl v Agri-Pro – Middle District Florida  
April Testimony Deposition – Franklin Loufrani v Wal-Mart Stores – Trademark Trial and Appeal Board  
March Deposition – In the Matter of Certain Ink Markers – U.S. International Trade Commission  
March Deposition – Mylan v Procter & Gamble – Southern District New York  
Feb. and June Depositions – Toyota Motor Sales v Aliments Lexus – Eastern District New York

2004

August Trial – Catamount v Microsoft – District of Vermont  
Feb. Deposition – Weight Watchers v Luiginos – Southern Dis NY  
Feb. Trial – Trettco v HDS New England – Dis. of Massachusetts

2003

Dec. Deposition – Georgia Pacific v Procter & Gamble – No. Dis. of Georgia  
Dec. Deposition and Feb 2004 Trial – Trettco v HDS New England – Dis. of Massachusetts  
Sept. Deposition – Winn v. Eaton – Central Dis. of California  
Aug. Deposition – In the matter of certain Agricultural Vehicles – Intl. Trademark Commission  
Feb. Deposition – Microsoft v Lindows.com – West. Dis. Of Washington  
Jan. Deposition and Feb. Trial – Pharmacia v GlaxoSmithKline II – District of New Jersey  
Jan. Trial – Ardex v Chemrex – Western District Of Pennsylvania  
Jan Deposition and Feb. Trial – Inliten v Santa's Best – Southern District Ohio

2002

Dec Deposition – Pharmacia v GlaxoSmithKline – District of New Jersey  
Nov. Deposition – Maui v Del Montc – Central District California  
Oct. Deposition and Nov. Trial – Spotless v A&E – E.D.N.Y.  
Sept. Deposition – Twentieth Century Fox v Marvel Enterprises, Tribune Entertainment – SDNY  
July Deposition – Philips Oral Healthcare v Salton – Western District of Washington  
June Deposition and July Trial – Scotts v United Industries – So. District Florida  
June Deposition – Eurotech v Cosmos European Travel – E. D. Virginia  
April Testimony and December rebuttal Deposition – QVC v Weick Family Inc. – TTAB  
April Deposition – Astra Zeneca v Ferndale – Eastern District Michigan  
Feb. Deposition and August 2004 trial – Catamount v Microsoft – District of Vermont  
February Trial – Koala Corp v Prince Lionheart – District of Colorado  
February Trial – Morelli v Tiffany – Eastern District of Pennsylvania

2001

November Deposition – J&J Snackfoods v Earthgrains – District of New Jersey  
November Deposition – Nissan Motors v Nissan Computer – Central District of California  
November Trial Affidavit – ABC (Ford West) v Autonation – Central District of California  
October Deposition – Qwest Communications v Worldquest Networks – Eastern. District of Virginia  
October Deposition and February 2002 Trial – National Distillers v Refreshment Brands – SDNY  
July Deposition and Nov. Testimony – Sara Lee v Kayser-Roth – Trademark Trial & Appeal Board  
May Trial – SBCH v J&J Merck – Southern District of New York  
February Deposition – Isenbeck v Beck – Southern District of New York  
January Deposition – Cache v M.Z. Berger – Southern District of New York

MOT 004767

List of publications of Michael Rappeport 1992-2005

The Democratic Ethos and the Positive Sum Society – Society – July-August 2003

A Rejoinder to a Critique – The Trademark Reporter; November-December 2002

Litigation Surveys – Social Science as Evidence – The Trademark Reporter; July-August 2002

Applying Daubert; National Law Journal, January 21, 2002

When Consumer Beliefs are Based on a Court's Intuition - One More Issue Arising From Conopco (with Sandra Kornstein-Cohen): The Trademark Reporter; March-April 1997

Is Judaism Splitting Into Two religions; Sh'ma; April 1996

The Role of the Survey "Expert" - A Response to Judge Posner; The Trademark Reporter, March-April 1995

The Future of the American Jewish Community; Sh'ma; December 1994

The Patient Self Determination Act; Implementation of the Law in Nursing Homes; (co-author); Paper presented at the 122nd Annual Meeting of the American Public Health Association November, 1994

Condition Critical; (co-author); Paper presented at the 1994 Annual Meeting of the American Society of Law, Medicine and Ethics; October 1994

Statistically Based Evidence; National Law Journal, Op-ed Page; August 1993

Prognosis Good for Lower Medical Care Inflation; Wall Street Journal Op-Ed page; February, 1993

Predicting the Election - Why Clinton Will Win; The Sunday Record (Bergen County, New Jersey); August 1992. In addition Dr. Rappeport was a columnist on a weekly basis for the Bergen Record throughout much of 1991. Columns dealt with a wide range of statistical and public opinion issues from crime in New Jersey to the proper reporting of retail sales.

MOT 004768

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Subject to Protective Order in TTAB  
Opp. No. 91/161,817